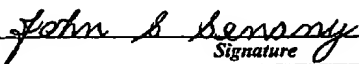


JUL 20 2006

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>BLD920010006US1 (14385)</b>	
Applicant(s): <b>John J. Gregson</b>						
Application No. <b>09/934,638</b>	Filing Date <b>August 22, 2001</b>	Examiner <b>Kelvin Y. Lin</b>	Customer No. <b>23389</b>	Group Art Unit <b>2142</b>	Confirmation No. <b>8740</b>	
Invention: <b>METHOD AND SYSTEM TO MEASURE DISTRIBUTED SYSTEM'S RELATIVE SIZE</b>						
<b><u>COMMISSIONER FOR PATENTS:</u></b>						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	17 -	20 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	4 -	4 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>09-0457/IBM</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>						
 Signature			Dated: <b>July 20, 2006</b>			
<b>John S. Sensny</b> <b>Registration No. 28,757</b>  <b>Scully, Scott, Murphy &amp; Presser, P.C.</b> <b>400 Garden City Plaza - Suite 300</b> <b>Garden City, New York 11530</b> <b>(516) 742-4343</b>			<div style="border: 1px solid black; padding: 5px;">         I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____          (Date)          _____          Signature of Person Mailing Correspondence          _____          Typed or Printed Name of Person Mailing Correspondence          _____       </div>			
cc: JSS:jy						

P11LARGE/REV09

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JUL 20 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicant:** John J. Gregson**Examiner:** Kelvin Y. Lin**Serial No.:** 09/934,638**Group Art:** 2142**Filed:** August 22, 2001**Docket:** BLD920010006US1 (14385)**For:** METHOD AND SYSTEM TO MEASURE  
DISTRIBUTED SYSTEM'S RELATIVE SIZE**Dated:** July 20, 2006**Confirmation No.:** 8740Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. §1.121)**

Sir:

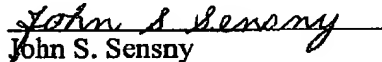
In a Notice dated June 20, 2006, the Patent Office indicated that Applicants' Amendment dated June 7, 2006, was non-compliant because Claim 2 was not provided with the proper status identifier.

Applicants are re-submitting the previous Amendment, with claim 2 now identified as "Previously Presented."

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

**Dated:** July 20, 2006  
John S. Sensny

It is believed that this submission is fully responsive to the Office Action of March 7, 2006, and to the Notice of June 20, 2006. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

  
John S. Sensny  
Registration No. 28,757  
Attorney for Applicant

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza – Suite 300  
Garden City, New York 11530  
(516) 742-4343

JSS:jy

Enclosures: Resubmission of Amendment filed June 7, 2006.

JUL 20 2006

400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343 - Telephone  
(516) 742-4366 - Facsimile  
e-mail: intprop@ssmp.com

**SCULLY, SCOTT, MURPHY  
& PRESSER****Fax**

**To:** Examiner: Kelvin Y. Lin  
Group Art Unit: 2142  
Confirmation No.: 8740

**From:** John S. Sensny, Esq.

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**Fax:** 571-273-8300 **Pages:** 26 (Including fax cover sheet)

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**Phone:** **Date:** July 20, 2006

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**Re:** Applicant: John J. Gregson  
Serial No.: 09/934,638 **CC:**  
Filed: August 22, 2001  
For: "METHOD TO MEASURE  
DISTRIBUTED SYSTEMS RELATIVE SIZE"  
Docket: BLD920010006US1 (14385)

**RESPONSE TO NON-COMPLIANT AMENDMENT RESUBMITTING  
AMENDMENT UNDER 37 C.F.R. §1.111, FILED JUNE 7, 2006**

**TRANSMITTED HEREWITH:**

1. General Transmittal Letter (in duplicate);
2. Response to Non-Compliant Amendment, enclosing Amendment Transmittal Letter (in duplicate) and resubmission of Amendment under 37 C.F.R. §1.111, previously filed on June 7, 2006;
3. Authorization to charge IBM Deposit Account No. 09-0457/IBM, if necessary; and
4. Certificate of Facsimile Transmission, dated July 20, 2006 (in duplicate).

**FOR:**

Applicant: John J. Gregson  
Serial No.: 09/934,638  
Filed: August 22, 2001  
For: "METHOD TO MEASURE DISTRIBUTED SYSTEMS RELATIVE SIZE"  
Docket: BLD920010006US1 (14385)

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;5167424366

# 2 / 26

JUL 20 2006

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): John J. Gregson			Docket No. BLD920010006US1 (14385)	
Application No. 09/934,638	Filing Date August 22, 2001	Examiner Kelvin Y. Lin		Group Art Unit 2142
Invention: METHOD TO MEASURE DISTRIBUTED SYSTEMS RELATIVE SIZE				
CONFIRMATION NO.: 8740				
<p>I hereby certify that this <u>RESPONSE TO NON-COMPLIANT AMENDMENT RESUBMITTING AMENDMENT</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(571) 273-8300</u>) on <u>July 20, 2006</u> (Date)</p> <p style="text-align: right;"><u>John S. Sensny</u> (Typed or Printed Name of Person Signing Certificate) <u>John S. Sensny</u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>				

P18/REV02

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: 5167424366

# 3 / 26

JUL 20 2006

<b>TRANSMITTAL LETTER (General - Patent Pending)</b>				Docket No. <b>BLD920010006US1 (14385)</b>	
In Re Application Of: <b>John J. Gregson</b>					
Application No. <b>09/934,638</b>	Filing Date <b>August 22, 2001</b>	Examiner <b>Kelvin Y. Lin</b>	Customer No. <b>23389</b>	Group Art Unit <b>2142</b>	Confirmation No. <b>8740</b>
Title: <b>METHOD AND SYSTEM TO MEASURE DISTRIBUTED SYSTEM'S RELATIVE SIZE</b>					
<p align="center"><u>COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is:</p> <p><b>RESPONSE TO NON-COMPLIANT AMENDMENT RE-SUBMITTING AMENDMENT UNDER 37 C.F.R. §1.111, ORIGINALLY FILED ON JUNE 7, 2006.</b></p> <p>in the above identified application.</p> <p><input checked="" type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <b>09-0457/IBM</b> as described below.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Charge the amount of _____</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Credit any overpayment.</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><i>John S. Sensny</i> _____ Signature</p> </div> <div style="width: 45%;"> <p>Dated: <b>July 20, 2006</b></p> </div> </div> <div style="display: flex;"> <div style="width: 50%;"> <p>John S. Sensny Registration No. 28,757</p> <p>Scully, Scott, Murphy &amp; Presser, P.C. 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-4343</p> <p>cc: JSS:jy</p> </div> <div style="width: 45%; border: 1px solid black; padding: 5px;"> <p><del>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</del></p> <p style="text-align: center;"><del>(Date)</del></p> <p style="text-align: center;"><del>Signature of Person Mailing Correspondence</del></p> <p style="text-align: center;"><del>Typed or Printed Name of Person Mailing Correspondence</del></p> </div> </div>					

P16A/REV03